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REPORT

THE HUMANE SOCIETY OF THE UNITED STATES • SPRING 1989

TREATMENT OF ELEPHANTS DEMANDS ATTENTION

Since San Diego zoo officials accused trainers at the San Diego Wild Animal Park of cruelly beating an 18-year-old female African elephant named Dunda last February (see HSUS NEWS, Fall 1988), the issue of what constitutes abuse of elephants versus what is considered acceptable discipline has drawn considerable attention from all directions.

California State Senator Dan McCorquodale, Chairman of the Senate Committee on Natural Resources and Wildlife, held a public hearing in southern California to investigate the alleged beating of Dunda. Without denying that the beatings occurred, representatives of the San Diego Zoological Society attempted to defend its actions.

HSUS Captive Wildlife Specialist David Herbert presented the findings of his in-

vestigation on behalf of ten animal-welfare and environmental organizations. As a direct result of those hearings, Senator McCorquodale moved forward with the formation of a broad-based task force made up of representatives of zoological institutions, animal-welfare organizations, and government regulatory agencies. The task force, it was hoped, would define abuse and develop guidelines for the humane handling of wild and exotic animals in captivity. Later, these guidelines can be reinforced through legislation, if necessary.

Attempts early on to define abuse by the California Association of Zoos and Aquariums for the task force were cited as being "too vague" by WCRO investigator Eric Sakach, who serves as a member of the task force. "They failed to address

(continued on page 2)



Injuries like those suffered by Dunda (damage is evident here, above her eye) prompted the formation of a task force under the guidance of California State Senator Dan McCorquodale.

INSIDE

- U.S. Supreme Court Upholds Cockfighting Statute
- Progress In NW
- Legislative Update
- Improvements At Zoo

Pet Centers Sued

In January, attorney Martin Blake of San Francisco announced the filing of a class action lawsuit against Docktor Pet Centers, Inc., the largest pet store franchisor in the U.S. The action is brought by Sacramento area buyers on behalf of all California consumers who have allegedly been sold diseased and defective puppies, or who purportedly have been victims of deceptive business practices by the pet store chain.

Plaintiffs in the case seek an injunction restraining Docktor from selling unhealthy puppies and continuing unsanitary and inhumane pet practices. An unspecified amount for damages to compensate purchasers is also being sought.

The suit alleges that Docktor sells unhealthy and defective puppies to the public, charges exorbitant and inflated prices, and engages in unfair and deceptive business practices.

The complaint further alleges that many of the puppies sold are knowingly obtained by Docktor from commercial puppy breeding enterprises commonly referred to as "puppy mills." (Such establishments have been the target of ongoing investigations by The HSUS and numerous exposes. Puppies from these operations are often bred under unsanitary and inhumane conditions and transported at a premature age causing them to be unsound, weakened, and unhealthy.) The suit further contends that Docktor stores do not maintain sanitary, healthy, or humane conditions for their puppies and such conditions contribute to ill health and suffering.

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Elephants (continued from page 1) what new changes are needed in elephant management,” he said.

The HSUS believes that zoos have a responsibility to educate the public about the needs of wild animals; their role in ecosystems and the problems they face; and to work for the preservation and restoration of endangered species. However, the HSUS is opposed to the use of elephants in novelty-type acts or rides for the general public because of public safety and questionable training methods, and because such activities serve no educational purpose whatsoever.

Zoo professionals need to address a number of critical issues now, according to HSUS’ David Herbet. The Society considers discipline of any kind that results in the types of injuries sustained by Dunda

unacceptable. “We believe that if elephants must be physically disciplined to be kept in captivity, then the time has come to reevaluate the legitimacy of such captivity,” he said.

The HSUS is urging the American Association of Zoological Parks and Aquariums to use all possible resources to recommend sensible and humane guidelines for management of elephants. “If zoo groups don’t make a concerted effort reflecting an honest concern over these problems in an expeditious manner,” says Sakach, “it’s likely that rules will be formulated for them.”

Meanwhile, allegations of abuse of elephants at other zoos have surfaced. The WCRO will continue to seek measures to ensure that all captive animals are treated with the highest degree of humaneness, care and professionalism.

HIGH COURT AFFIRMS LAW PROHIBITING SPECTATORS AT COCKFIGHTS

In January, the United States Supreme Court affirmed that a spectator at a cockfight can be charged with a crime in California (see Winter 1988 WCRO REPORT).

The justices rejected a challenge to a long-standing California law which makes it a crime for “any person who, for amusement or gain, causes any bull, bear, cock or other animal... to fight with like kind of animal or creature.” According to the law, anyone who “aids, abets or is present at such fighting... as a spectator is guilty of a misdemeanor.”

Contending that it is unconstitutional to charge “mere spectators” or innocent passers-by with a crime, a lawyer representing a dozen or more men,

charged in Fresno with being present at a cockfight, appealed their case to the U.S. Supreme Court. A state appellate court in Fresno upheld the misdemeanor penalty against persons who “knowingly” attend cockfights saying that “knowingly present spectators who purposefully watch cockfighting encourage the ‘sport’.”



Progress For Animals in the Northwest

In January, Field Investigator Kurt Lapham travelled to the Northwest on an extensive two-state shelter visitation trip, reaching from Eugene, Oregon to Bellingham, Washington. “I was really pleased to finally meet in person people I had previously known only over the phone,” said Lapham. “Although I have occasion to travel to the Northwest, those trips are generally for a special event or investigation, and rarely leave time for visiting local shelters and meeting staff members.”

Lapham noted that the shelters in the

area are striving to improve, and in many cases, are rebuilding their existing facilities in order to meet the growing demands of their various communities. As in every area of the country, there is of course a need for more humane education, better funding, and larger facilities. However, community concern in many areas has prompted a flood of interest in devising new and creative ways to meet those needs. There is a sense of the old meeting the new, foreshadowing great benefits for animals throughout the northwest in the years to come.

Director’s Comment

BY CHAR DRENNON



The first months of 1989 began with lots of activity and movement. I had meetings with various humane organizations throughout California and was privileged to be a guest speaker at the Action for Animals’ Rights annual meeting in San Luis Obispo. While in the area I went through the Charles Paddock Zoo in Atascadero. I’m happy to say that it is improved from what it was prior to Alan Metzler becoming the director.

I met more HSUS members at the Western Humane Educators’ meeting hosted by the Helen Woodward Animal Center in Rancho Santa Fe, and then WCRO hosted The HSUS Urban Wildlife Seminar in San Diego. In Sacramento there were legislative meetings and legislators to see, as this is the beginning of a new two-year legislative session.

The WCRO already has several hundred legislative activists, but now that we **finally** have a computer, we’d like to add to our list so we won’t have to call on the same people to write on so many issues. Please let us know if you’d like to be added to our list, and if you’d be willing to telephone legislators. We are setting up a more effective telephone network.

As you can see from reading this report, animal-welfare issues and problems often take a lot of work, time, and persistence to solve. However, once in a while a cruelty or exploitation can be quickly overcome. Recently, an alert HSUS member contacted the WCRO to let us know of a planned donkey basketball game at a Northern California high school. I called Principal Passantino at Santa Clara High School to protest and request that the event be cancelled. I also followed up with a letter when the principal seemed reluctant to do so, explaining the hazards to both animals and people.

In case the school still refused to cancel, the WCRO called the Humane Society of the Santa Clara Valley to request that they send a humane officer to attend the event, and to see if a veterinarian could be on hand to examine all the donkeys. Bill Burke, Executive Director, readily agreed and also sent their protests to the school. Several days later, Principal Passantino called me to say he had “unilaterally” decided to cancel the basketball game.

MAKING A DIFFERENCE FOR ANIMALS

“Making a Difference for Animals” was the theme of the 1987 HSUS Annual Conference, and it couldn’t have been more true in 1989 for two bears at the Royer Park Zoo in Roseville, California.

It began in 1987 when vandals broke the locks on the bears’ cage and the bears decided to tour the rest of the zoo for themselves. Although both the bears behaved and stayed within the park’s boundaries until they were recaptured and returned to their cage a short time later, the incident drew public attention to the bears’ living quarters.

Among those good citizens were the veterinarian who had been called in to assist in recapturing the bears, Dr. Frank Lux, and his wife Joanne. Concerned about the welfare of the animals, they called the WCRO and HSUS Investigator Kurt Lapham visited the zoo to inspect the cages.

In his subsequent report to city officials, Lapham reported, among other things, that the exhibits weren’t aesthetically pleasing

and they lacked any educational value. “With the exception of a tree limb,” said Lapham, “the exhibits were stark and unnatural.” Lapham further suggested that the zoo should be closed down unless there was a sincere effort to upgrade the facility and provide for the animals in an appropriate manner.

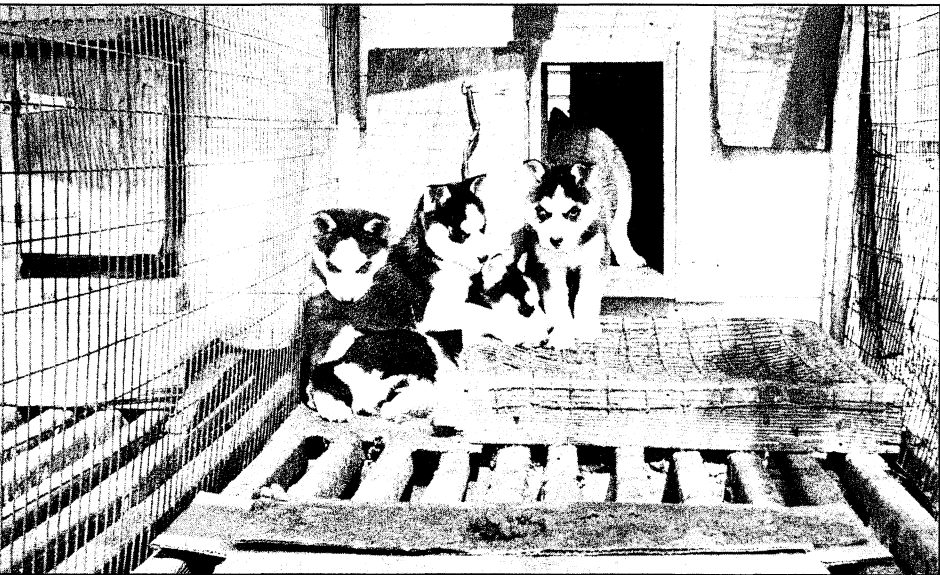
The response from city officials was that improvements would depend on community interest. A major concern was what would become of the animals if there were no interest in improving the facility on the part of the community. Finally, after a meeting with personnel from the City’s Parks and Recreation Department, Dr. Lux and his wife were granted permission to hold a fundraiser in the park for the bears.

The result is that today, in 1989, the bears have a new and a better facility in Roseville. And it is one the community can be proud of because the community helped build it through citizen support and donations of labor and materials.

Pet Center Sued (continued from page 1)

WCRO Investigator Kurt Lapham participated in a press conference called by Blake to announce the filing of the lawsuit. Detailing past problems, Lapham said outlets prefer to kill a defective animal returned by a customer rather than pay the cost of having it treated. “To the store, it’s cheaper to replace the animal than have it cared for,” he said.

Since 1973, individual Docktor stores have been the subject of successful actions brought by district attorneys in Santa Clara, San Mateo, Alameda, Sacramento, and Los Angeles Counties. This lawsuit seeks to impose legal and financial responsibility on the parent Docktor corporation in Massachusetts, which has made millions of dollars franchising these pet stores.



Puppies like these, photographed in a mid-western puppy mill, are behind a recently filed class-action suit charging Docktor Pet Center, Inc. with the sale of unhealthy and defective animals.

Around The Region

■ GLENDALE, CALIFORNIA — At the request of city officials and the board of directors of the Glendale Humane Society (GHS), HSUS Investigator Eric Sakach undertook a study of the organization’s sheltering facility and overall program. The GHS contracts with the City of Glendale for animal sheltering services. A report of findings has since been forwarded to requesting officials.

■ IDAHO — In its desperate search for food, Idaho’s wildlife population is leaving its natural habitat for urban areas, mingling with human populations in what, for the animals, has not been an advantageous mix. Idaho Humane Society Executive Director Roger Schmitt said that deer and other wildlife species are suffering from a shortage of food which was brought on by two successive summer droughts and further exacerbated by an unforgiving winter. In seeking to supplement their diet, the animals are finding themselves the losers in collisions with vehicles, and in confrontations with irate farmers and home owners. Coming to the rescue is the Idaho State Legislature, which recently allocated over \$700,000 dollars to subsidize the Department of Fish and Game’s existing \$300,000 emergency feeding program. The program is designed to lure the animals back to their natural habitat, and away from populated areas.

■ PALM SPRINGS/SAN DIEGO, CALIFORNIA — In January, 141 law enforcement officers attended a day-long seminar on investigating illegal cockfighting and dogfighting activities in Palm Springs. Hosted by the California Association of Animal Control Officers and the Palm Springs Police Department, the seminar was instructed by HSUS Investigator Eric Sakach. In November, a similar seminar was presented in conjunction with the San Diego County Animal Control Officers’ Academy.

■ SALEM, OREGON — A comprehensive report on the Humane Society of the Willamette Valley was forwarded to that organization’s board of directors in September after an on-site inspection by HSUS’ Sakach. The evaluation was requested by HSWV Executive Director Tim Greyhavens.

■ COALINGA, CALIFORNIA — Information and resource materials on humane methods of euthanasia and recommended procedures and standards for animal-control operations were forwarded to Coalinga Police Chief Richard Metcalf in September after he contacted the HSUS to advise that he had halted the practice of shooting unclaimed dogs and cats impounded by the city. Metcalf, who was then new to the job of Police Chief and whose department had just been put in charge of the animal-control program, stated that he was shocked to learn unclaimed animals were being shot instead of being euthanized by an injection of an overdose of barbiturates.

LEGISLATIVE HIGHLIGHTS

WASHINGTON

HB 1614 — On February 17, Dr. Susan Lieberman, Associate Director of Wildlife & Environment for The HSUS, testified before the Washington State House Committee on Fisheries & Wildlife. Dr. Lieberman was supporting Representative Ken Jacobsen's exotic bird bill, HB 1614, which will prohibit the sale of any bird or bird egg taken from the wild, and ban the importation of such birds or eggs into the state of Washington. HB 1614 would not prohibit the sale of captive-bred birds; it will allow licensed bird breeders to import wild birds on a limited basis, so as not to genetically overbreed their captive stock.

Although HB 1614 was held up in committee, the WCRO is urging all of its Washington members to call or write their state representatives, and ask for the reintroduction of a similar bill next session.

CALIFORNIA

SB 1110 — California State Senator Milton Marks, who will be sponsoring steel-jaw trap legislation this year (see story below), will also be carrying a bill similar to Assemblyman Tom Bates' AB 2653, which failed passage in the 1988 legislature. The Senator's bill will seek to increase the size of milk-fed veal calf crates, enabling the calves to stand up, lie down, turn around, and make other normal postural adjustments. Please write to your state legislators and urge them to support this important piece of legislation.

SB 60 — Senator Alan Robbins has introduced a bill requiring the labeling of all cosmetic and household products that test on animals. SB 60 states, in part, "All cosmetic and household products offered for sale or exchange in this state for which live animals were used in the consumer safety testing of those products, shall contain upon their label or package a conspicuous statement indicating that live animals were used for that testing." Please write to your state legislators, and urge their support.

AB 2001 — In response to all of the interest generated over last session's Puppy Mill Bill (AB 4500), Assemblyman Sam Farr has in-

troduced a new bill in an attempt to combat the serious problems consumers are experiencing with animals purchased from pet stores. Among other provisions, Mr. Farr's bill will prohibit the sale of any dog in a pet shop if it is less than 12 weeks old; require frequent veterinary examinations of the animal while it is on the store's premises; set warranty provisions; and allow the consumer reimbursement of up to \$2,000 if the animal becomes ill or dies during the warranty period, because it was sick at the time of the sale.

The pet industry is countering Mr. Farr's bill with a much weaker one of their own (AB 786, by Assemblyman Richard Polanco). It calls for less stringent veterinary exams, and replacement of the animal, or a refund of the purchase price of a dead animal, if it is certified by a veterinarian (within 14 days of sale) to have been unfit for sale due to illness. The WCRO urges all of its members to contact Mr. Polanco, asking him to drop his bill in favor of AB 2001, and also to contact their legislators, urging strong support of AB 2001, especially the "twelve-week" clause.

AB 860 — Assemblyman Richard Katz is continuing his support of the California mountain lion. He has introduced AB 860, which is a two-pronged effort that will prohibit the sport-hunting of mountain lions, declaring them a specially protected mammal; and create the Habitat Conservation Fund, to appropriate \$15,000,000 dollars annually from the General Fund, to be used to acquire habitat for the protection of mountain lions, deer, and endangered and threatened species.

A similarly-worded statewide initiative has been launched by the California Wildlife Protection Committee. Beginning in June, 1989, they will have five months to gather almost 600,000 signatures of registered voters — the number needed to qualify the initiative for the June 1990 ballot.

Both of these measures are very important. For more information, or to lend much needed support, contact: Assemblyman Richard Katz, State Capitol, Sacramento, CA 95814 (for AB 860); the California Wildlife Protection Committee, 909-12th Street, Suite 203, Sacramento, CA 95814 (for the initiative).

All California State legislators can be reached at: State Capitol, Sacramento, CA 95814.

STEEL - JAW TRAPS: On the way out?

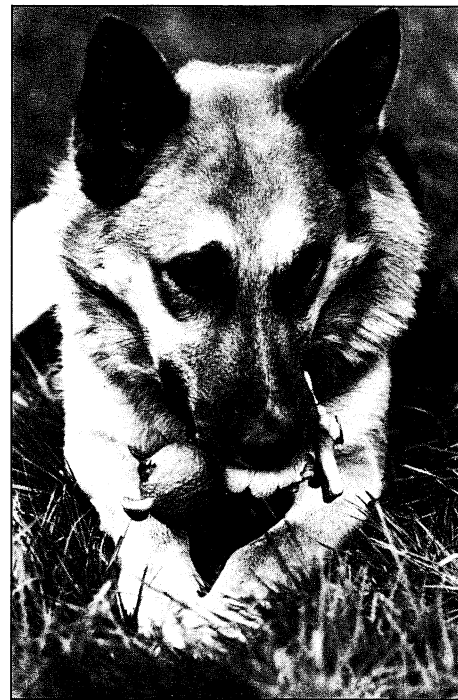
The use of steel-jawed leghold traps is becoming increasingly unpopular across the United States, as efforts by animal welfare and conservation groups to educate the public to the horrors of trapping become more successful. This educational push has been fueled by new, and ongoing, anti-fur campaigns.

In California, increasing public awareness has resulted in steel-jaw trap bans in Santa Cruz, Santa Clara, and Nevada Counties (San Francisco City and County had banned the trap some years ago), and similar efforts are now under

way in several other California counties. Senator Milton Marks has once again introduced a bill calling for a total ban on steel-jawed leghold traps in California. We are urging our members to write to their state senators and assembly members, and urge their support of the Senator's bill, SB 756.

The WCRO will also continue its campaign to ban the steel-jaw trap county-by-county; if you are interested in doing so in your county, please write: TRAPPING, West Coast Regional Office, 1713 J Street, Suite 211, Sacramento, CA 95814.

Reflect for a moment....



Reflect for a moment....

HOW CAN I HELP ANIMALS EVEN WHEN I NO LONGER SHARE THEIR WORLD?

By your bequest for animal protection to The Humane Society of the United States, your will can provide for animals after you're gone. Naming The HSUS demonstrates your lasting commitment to animal welfare and strengthens the Society for this task. We will be happy to send information about our animal programs and material that will assist in planning a will.

Please send will information to:

Name _____

Address _____

City _____ State _____

Zip code _____

Mail in confidence to Murdaugh S. Madden, Vice President/General Counsel, The Humane Society of the United States, 2100 L Street, NW, Washington, DC 20037.

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